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Summary record of the 39th meeting
Held at the Palais des Nations, Geneva, on Monday, 1 October 2018, at 10 a.m.

Chair: Ms. Bras Gomes

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The meeting was called to order at 10.05 a.m.

Substantive issues arising from the implementation of the International Covenant on Economic, Social and Cultural Rights (*continued*)

Submissions by national human rights institutions and non-governmental organizations (*continued*)

1. **The Chair** said that a number of representatives of national human rights institutions and non-governmental organizations would take part in the meeting via video link.

Turkmenistan

2. **Mr. Tuhbatullin** (Turkmen Initiative for Human Rights) said that Turkmenistan was undergoing a serious economic crisis and, as a result, the authorities had recently decided to drastically reduce the level of benefits that persons living in poverty had been receiving for the previous 20 years. As from 1 January 2019, the free provision of gas and water was to end, and flour, salt and other staple products would become more expensive. The country's unemployment rate was very high, and those who still had work often received their wages with severe delays. A significant portion of the workforce had accordingly emigrated to Turkey or the Russian Federation, for example, in search of employment. In such circumstances, the withdrawal of benefits for poor people would have a very serious effect. Already, even in the capital, Ashgabat, there were long lines for staple products at State-run stores.

3. Turkmenistan remained a very closed country. Foreign journalists and human rights organizations were unable to gain access. Human rights organizations had to work underground and in constant fear of repression. The system requiring people to have a residence permit or registration certificate was still in force, as it had been in Soviet times, and access to basic foodstuffs, housing, employment and public services was dependent on the presentation of a valid registration certificate. Freedom of information and expression was completely lacking, and the Internet was severely controlled. His organization's website, like those of other organizations critical of the regime, was blocked, and citizens who attempted to visit such sites by using virtual private networks were subjected to harassment by the security services. The entire nation and country were closed off, with no normal communication with the rest of the world. Local television carried staged broadcasts showing masses of public servants and students applauding the authorities and showing respect and admiration for the President. Some individuals had attempted to publicly address problems such as corruption, but they inevitably ended up facing repression by the secret service, and many people who had tried to speak up had decided to remain unnamed, out of fear of repression.

4. In Ashgabat, there had been a large number of evictions, with the provision of far worse accommodation, or none at all, for those who were evicted. Often, three families were thus forced to share a one- or two-bedroom apartment; in other cities the situation was even worse. A district about 10 kilometres from Ashgabat was currently being demolished and paved over or replaced with parking lots, simply because the President considered it unsightly. Even the most basic problems in the economic, social and cultural spheres were not being solved, they were being exacerbated. When speaking at the United Nations General Assembly, the President had addressed global food security, especially in the context of Afghanistan, but he had ignored the problems of his own country.

5. **Ms. Shin** (Country Task Force) said that she would like to know whether social security benefits had been reduced or cut off owing to the economic crisis. Specifically, were children's allowances, disability benefits and old-age pensions still being paid, and in what amounts?

6. **Mr. Abashidze** (Country Rapporteur) said that it would be useful to the Committee to find out the basis invoked by the Government for reducing or eliminating the payment of benefits and the provision of goods free of charge, and who had issued the order.

7. **Mr. Tuhbatullin** (Turkmen Initiative for Human Rights) said that the monthly children's allowance was 150 manat, or about $9 at the unofficial rate. When the benefit had first been introduced around 2010, the amount had been substantial and had led to a large number of births. As a result, some schools were now inundated with children in the lower primary grades and were unable to meet their needs. Class size had grown from 25 to 45, and classes often had to be held in shifts. Pensioners were paid on time, but they received their pensions through electronic transfers that made it difficult for them to make use of their money as cash. The population was poor and relied heavily on cash transactions. It was difficult to use a bank card even at government establishments, and impossible to do so at a market. Persons living with disabilities received about 400 manat a month. The withdrawal of subsidies to provide goods free of charge or at subsidized rates was related to the economic crisis, which was linked with a fall in the prices of oil and gas. The country's main clients, the Russian Federation and the Islamic Republic of Iran, had stopped imports, while the other large client, China, was using proceeds from the gas it imported to pay for a pipeline, which left the Government with no resources to continue its programmes for the poor.

8. **Ms. Liebenberg** said that it would be useful for the Committee to know what reasons were invoked by the authorities to justify the demolition of housing in Ashgabat. Did they adhere to some sort of legal process, and was there any court oversight of the evictions? Specifically, were procedural safeguards in place and was alternative accommodation made available?

9. **Mr. Abashidze** said that the Committee would like to know whether a census had recently been conducted and whether it was true that a town had been built near Ashgabat but did not have any residents.

10. **Mr. Uprimny** said that it would be helpful to know whether the President appointed members of the judiciary and whether he also had the power to remove them.

11. **Mr. Tuhbatullin** (Turkmen Initiative for Human Rights) said that demolitions and evictions had been going on for years; in 2017, there had been an acceleration in the pace of demolitions, under the pretext that Ashgabat would be hosting a sporting event. A large number of persons from Ashgabat with registration certificates married people from the countryside who did not have them. Their spouses were not given certificates, and neither were their children. It was thus common for the authorities to apportion a small apartment or room, nominally to just one person, when actually an entire family had to live there. Some people who had been unable to register in the capital simply built themselves homes there. When such homes were demolished, they had no right to alternative accommodation. The authorities demolished homes at a fast pace but were unable to build new housing sufficiently quickly. It was estimated that only 30 or 40 per cent of those requiring new housing were actually given new homes; most were forced to move to the country, to temporarily rent accommodation or to move in with family members. Even when a new home was provided, the Government provided no compensation for rent when there were delays in delivery. An official census had been conducted in 2012, but the detailed results had never been published. Clearly, the population had declined, as a result of high mortality and emigration. It was thought that the population at the time of the census had been approximately 4.7 million, but the figure was far from reliable. A new city had been constructed as a residential suburb outside the capital, but it was a commercial development, with houses for sale, and it was not intended to accommodate evicted families. Water and sewage service had still not been connected to most of the houses there, which remained empty. Judges were appointed and dismissed by the President. The parliament had no say. Judges were not independent.

Cabo Verde

12. **Ms. Cabral Fernandes** (Associação Cabo-verdiana de Luta Contra a Violência Baseada no Género) (Cabo Verdean Association to Fight Gender-Based Violence), speaking via video link, said that the national justice system was very slow to deal with cases of gender-based violence, and there was little support for victims. Shelters were lacking, and hospital staff and police officers were not very sensitive to the needs of victims. Victims faced stigma and discrimination, especially from men, which prevented

the reporting of cases. The lesbian, gay, bisexual, and transgender community, too, faced discrimination.

13. Minimum wage provisions and other labour protection standards were largely disregarded, workplace sexual harassment and other forms of harassment were common, and a gender wage gap persisted. The basic rights of street children were not respected.

14. **Ms. Cardoso** (Organização das Mulheres de Cabo Verde) (Organization of Women of Cabo Verde), speaking via video link, said that 53.7 per cent of unemployed persons and nearly 60 per cent of workers in the informal sector were women. In the informal sector, nearly 60 per cent of women workers had no more than a primary education, and most worked in agriculture or domestic work. Most single-parent families in Cabo Verde had women heads of household.

15. Employers were reluctant to hire pregnant women, women living with HIV or women with disabilities. Gender stereotypes were entrenched in society. Nearly 90 per cent of the victims of gender violence were women.

16. A law adopted in 2011 was supposed to establish preventive measures and penalties to combat gender-based violence, including the provision of shelters, but none had been set up. Victims of gender-based violence turned to non-governmental organizations (NGOs) for help because of the failure of the police and hospital staff to provide any support. There was a lack of training and referral mechanisms for victims. Health professionals discriminated against patients living with HIV and failed to respect their right to confidentiality, forcing them to reveal their status in order to gain access to services. Patients prescribed antiretroviral therapy often failed to follow their courses of treatment owing to the fact that a lack of proper diet left them with serious side-effects of the medication.

17. **Ms. Lopes Moreno Tavares** (Associação das Crianças Desfavorecidas) (Association of Disadvantaged Children), speaking via video link, said that the country must reform its social policy in order to empower women-headed households. The current policy led to school drop out at secondary level, as families could not afford tuition fees, which left children on the street, exposed to violations of their rights and exploitation. There was a lack of extracurricular activities for children with learning difficulties and those living in poverty, and assistance to cover health and education costs was inadequate. It was thus difficult for children from disadvantaged families to pursue a proper education. The failure to evaluate and certify skills acquired at school rendered it difficult for young people to enter the labour market. Medical procedures such as blood tests and sonograms were beyond the means of very many people. State pharmacies often ran out of essential medicines, which must then be purchased at more expensive or unaffordable rates from private pharmacies. For certain medical interventions, no service was available in the country, and in such cases there was a long wait for medical evacuation. Children were subjected to exploitation at work and to sexual exploitation.

18. **Ms. Anjos** (Associação Cabo-verdiana de Promoção e Inclusão das Mulheres com Deficiência) (Cabo Verdean Association for the Promotion and Inclusion of Women with Disabilities), speaking via video link, said that there was a lack of appropriate teaching materials for women and children with disabilities. Despite legislative amendments in 2016, access to education was difficult for persons with disabilities, and even in instances where education was available to them free of charge, they were often unaware of the fact. Physical access to school buildings and other public sector facilities was often a problem. Health-care workers were not trained to provide reproductive care to women with disabilities. The cost of physiotherapy was partially covered by social security, but sessions were limited to 50 per year, which was insufficient for some persons with disabilities. The regulations regarding the employment of persons with disabilities were not adequately disseminated. The seven-year time frame that had been set in 2011 for improving respect for the rights of persons with disabilities had ended without much progress having been made.

19. **Mr. Zerbini Ribeiro Leão** (Country Rapporteur) said that he wished to learn whether the Covenant could be invoked in complaints filed with the judicial authorities. It

would be helpful to know the amount of the minimum wage and whether there was legislation in place to regulate it.

20. It was unclear whether the public policies in place addressed the specific needs of women and children living in poverty. It would be interesting to hear the representatives' comments on how the social policies aimed at children living in female-headed households should be revised. Was there a national action plan in place to combat poverty and, if so, did it include a cross-cutting approach to the issue?

21. **Mr. Kedzia** (Country Task Force) said that it would be extremely helpful if the representatives could provide more specific data and examples of the issues they had raised.

22. **The Chair** said that it would be useful to hear what lay behind the lack of cooperation between the Government and NGOs. What recommendations could the Committee make to the State party to encourage greater cooperation in that regard?

23. **A representative of a non-governmental organization**, speaking via video link, said that Decree-Law No. 6 of 2014 had established the minimum wage at 11,000 Cabo Verde escudos (CVEsc). In 2018, the amount had been increased to CVEsc 13,000, which was still not high enough to meet people's needs. Domestic workers and municipal employees were regularly paid below the minimum wage.

24. **Ms. Anjos** (Associação Cabo-verdiana de Promoção e Inclusão das Mulheres com Deficiência) (Cabo Verdean Association for the Promotion and Inclusion of Women with Disabilities) said that article 12 of the Constitution stipulated that international treaties ratified by the State party formed part of domestic legislation following their publication in the Official Gazette and were subordinate only to the Constitution itself. As such, the international human rights treaties could in theory be invoked in court rulings, but in practice that did not happen. The Strategic Plan for Sustainable Development for 2017–2020 took account of all of the issues the representatives had raised. The Government inspected and monitored NGOs to ensure that they were achieving results.

25. **Ms. Lopes Moreno Tavares** (Associação das Crianças Desfavorecidas) (Association of Disadvantaged Children), said that in order to improve cooperation with the Government, NGOs must be allowed to raise funds through international partners.

26. **Ms. Naldi Furtado Veiga** (Associação Cabo-verdiana de Promoção e Inclusão das Mulheres com Deficiência) (Cabo Verdean Association for the Promotion and Inclusion of Women with Disabilities), speaking via video link, said that it was very difficult for women with disabilities to obtain statistics. Data were not disaggregated by sex, age or socioeconomic background, and information was not made available in formats accessible to persons with visual or hearing impairments. The Committee on the Elimination of Discrimination against Women had recommended that the Government should conduct a survey on the needs of women with disabilities.

27. **Ms. Morais De Freitas** (National Commission for Human Rights and Citizenship) said that the submission of the initial report of Cabo Verde marked a milestone in the country and reflected greater commitment to the Government's obligations under international human rights law.

28. Despite the efforts of the National Commission for Human Rights and Citizenship, the Covenant had not been adequately disseminated in the country. In 2019, the National Commission planned to conduct a study to determine the extent of judges' and prosecutors' knowledge and implementation of the Covenant and other international instruments. While the legal framework was aligned with the requirements of international treaties, there were difficulties in their implementation at the policy level, with economic, social and cultural rights the most impacted owing to a lack of monitoring and follow-up.

29. The Government should adopt the Gender Parity Act, which was still before the parliament. Better implementation was needed of the legislation in place to combat gender-based violence, which had reached high levels in the previous year. The Government should consider ratifying the International Labour Organization Domestic Workers Convention, 2011 (No. 189).

30. The legislation regulating the minimum wage and social benefits was not being properly implemented. Maternity leave should be increased from 2 months to 4 months and paternity leave should be increased from its current limit of 3 days. Persons with disabilities faced restrictions on their participation in the labour market. Better protection should be afforded to workers who suffered employment-related accidents; the current allocation of CVEsc 300 per day was clearly insufficient. Reforms were needed in the area of non-contributory pensions in order to improve the situation of older persons.

31. The Government had made efforts to improve data collection and currently operated a single register, which would make it easier to integrate population data into public policy. Farmers had received insufficient support from the Government to help them overcome the difficulties they faced as a result of the recent poor harvest. Some rural communities had no access to running water and had to rely on other sources, which were up to three times more expensive. The Government was making efforts to extend electrification but supplies had not yet reached all parts of the country. In some areas, particularly in the Boa Esperança area of Boa Vista, inadequate housing was a concern: persons living in slum dwellings relied on generators since there was no electricity supply, there was no access to running water and no support services were available for children.

32. With regard to the situation of persons with disabilities, some new buildings were being constructed in line with accessibility requirements but they were few and far between. The evacuation plan for natural disasters did not take into account of the needs of persons with disabilities.

33. In the area of health care, with very few hospitals in the country and some islands having only a health centre, patients often needed to be transferred between islands or even to another country for treatment. Transfers frequently took a long time to organize and patients sometimes died before they could be arranged. The Government had purchased two helicopters in an attempt to address the problem, but more needed to be done. There was only one hospital that was able to care for persons with mental health disorders and no support structures or day centres existed for such persons.

34. Other issues faced by the country included high rates of alcoholism, the prevalence of child sexual abuse and the situation of street children, particularly in Mindelo, on the island of São Vicente, and in Praia, the capital city.

35. **Mr. Zerbini Ribeiro Leão** asked whether more details were available on the content of the Strategic Plan for Sustainable Development.

36. **Ms. Morais De Freitas** (National Commission for Human Rights and Citizenship) said that the Strategic Plan covered the current parliamentary term. The National Commission was concerned that the Plan had been approved but that there had been no implementation of the guidelines. Proper alignment was needed between the Strategic Plan and the National Human Rights and Citizenship Plan.

South Africa

37. **Mr. McLaren** (Section 27), speaking also on behalf of the Institute for Economic Justice and the Centre for Economic and Social Rights, said that the majority of South Africans continued to be denied many of their economic, social and cultural rights owing to the Government's failure to comply with its obligations under article 2 (1) of the Covenant. For example, while the country had achieved almost 100 per cent school enrolment, less than 40 per cent of children who started school passed their final exams and only 4 per cent went on to obtain a university degree. The Government had adopted a series of regressive austerity measures in recent years with a view to reducing the national debt. However, the country's debt remained moderate by international standards, standing at 55 per cent of gross domestic product. Since a large share of public expenditure was targeted at lower-income groups, the reductions in public spending had worsened the long-standing patterns of poverty and inequality. The lack of effective taxation on income, profits and wealth, and the failure to maximize available resources owing to corruption, poor governance and inefficiency, had further compounded the situation. The Committee in its dialogue with the State party should therefore recommend the adoption of a more rights-based national fiscal policy that would support sustainable development in the country.

38. **Ms. Joala** (Institute for Poverty, Land and Agrarian Studies), speaking via video link on behalf of a coalition of NGOs, said that rising poverty and inequality had adversely affected food and nutrition security in South Africa. While the Government had launched a number of initiatives to reduce hunger, around a quarter of the country's population was living below the food poverty line. For those who were able to feed themselves, the inability to afford quality foods combined with poor food choices had resulted in the growing prevalence of malnutrition and undernourishment, including stunting among young children and obesity in adults. The Government's failure to enact specific, binding legislation on the right to food and to coordinate food security programmes across government departments had resulted in policy incoherence, which had exacerbated the issue. National policy targets aimed at increasing trade and investment in the agriculture and food sectors had also perpetuated social injustice in the food chain, since the distribution of assets such as land and assets remained skewed. The Government had failed to provide adequate post-settlement support as part of the national land reform policy and continued to support private commercial investment in the food system, which disadvantaged millions of South Africans who relied on the informal sector as their main source of income and food. That approach had led to job losses on land reform farms, significant reductions in agricultural production output, and insecure tenure and livelihoods among land reform beneficiaries.

39. Major inequalities in access and rights to land between the black majority and white South Africans remained of concern. The 2017 High-Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change, chaired by the former President, had found that the State had mismanaged the land reform process, with only 4,701,000 hectares of agricultural land, or 5.46 per cent of the total land area, having been transferred under the land redistribution programme to date. On 27 February 2018, parliament had also passed a motion amending section 25 of the Constitution and allowing for land expropriation without compensation.

40. In the light of the current national food and nutrition situation, the Committee should recommend that the Government should enact a law on the right to food without delay; appoint a specific department on food security; adopt legislation to clarify what constituted just and equitable compensation under the land reform programme; and promote dialogue and debate aimed at addressing the limitations of the current food supply chain, exploring alternative forms of operation and ensuring policy coherence and accountable governance of the food system.

41. **Mr. Power** (ALT Advisory), speaking via video link on behalf of the Association for Progressive Communications, Media Monitoring Africa and the Right2Know Campaign, said that the Government had failed to mention access to the Internet or information and communications technology in its report to the Committee. Universal and affordable Internet access, particularly for disadvantaged and marginalized groups, including those living in rural and remote areas, was essential for the equal enjoyment by citizens of articles 3, 6, 12, 13, 14 and 15 of the Covenant. The Committee should therefore request further information regarding the State party's efforts to facilitate the use of the Internet by cultural minorities, older persons and disadvantaged and marginalized groups, particularly women and children.

42. **Mr. Benjamin** (Equal Education Law Centre), speaking via video link, said that the Committee should urge the State party to withdraw its declaration under article 13 (2) (a) of the Covenant, since it contradicted the provisions of the Constitution concerning the inalienable right to education. It should also request the Government to monitor the application of the no school fee policy more effectively and implement measures that enabled poorer families to obtain school-fee exemptions. In view of the discrimination faced by migrant and undocumented children in the school enrolment and admission process, the Government should also be called upon to issue a national circular with clear guidelines setting out fair enrolment procedures for that group of children.

43. **Ms. McFarlene** (*Equal Education*), speaking via video link, said that the Government should ensure that all provinces had accessible school transport policies in place for pupils with disabilities. It should also take steps to collect accurate and reliable data on the number of schoolchildren eligible for government subsidized transportation and

should allocate sufficient budgetary resources to fund the school transport programme. Concerning the state of school facilities, the Government should implement the regulations on minimum school infrastructure norms and standards within the agreed deadlines, and it should withdraw its appeal of the Bhisho High Court ruling on the State's obligation to close unconstitutional loopholes in those regulations. It should also ensure that national and provincial school-building programmes received appropriate funding and were completed on time, with building contractors penalized for delays or non-delivery. Lastly, the Government should be called upon to establish an effective legal framework that guarded against the unjustified privatization of public schools and to hold private education stakeholders accountable to human rights standards.

44. **Ms. Carmody** (Amnesty International), speaking via video link, said that women had faced persistent barriers to accessing appropriate reproductive health services, including antenatal care and safe abortion services, during the reporting period. Some health-care facilities had breached the right to patient privacy and confidentiality and had failed to obtain informed consent for HIV testing during antenatal care, which had deterred many pregnant women and girls from seeking essential HIV treatment. A high number of births also continued to occur outside of health facilities, owing to prohibitive transport costs and a lack of emergency medical transport in rural areas. Despite the adoption of the Choice on Termination of Pregnancy Act, the number of unsafe abortions had been increasing, as a result of a lack of health-care establishments offering the procedure and the absence of public information on the availability of abortion services. Such a dire lack of health facilities and high transport costs disproportionately affected women and girls living in poverty. The Government had also failed to tackle the stigma facing women and girls seeking abortion services or to hold to account health professionals who refused to uphold their ethical responsibility to provide abortion care. Furthermore, the definition of sex work as an offence had increased the risk of human rights violations against sex workers, particularly regarding their right to health.

45. Concerning the right to housing, the Government had failed to monitor and enforce corporate responsibility policies within the extractive industries, which had resulted in thousands of mining workers being forced to live in appalling conditions.

46. **Mr. De Schutter** (Country Rapporteur) said that he would like concrete examples of the policy incoherence on the right to food, including suggestions of how the national policy on food and nutrition security could be improved. He would also welcome clarification of the link between the delay in the implementation of the national land reform policy and the lack of adequate resources and support for land reform beneficiaries.

47. It would be particularly interesting to learn more about the effectiveness of the Promotion of Access to Information Act and the extent to which greater access to the Internet would enable people to enjoy their economic, social and cultural rights.

48. Lastly, he wished to know more about the discrimination facing migrant and undocumented children wishing to enrol in school, including the impact of the privatization of the school system in that context.

49. **Mr. Windfuhr** (Country Task Force) said that he would like to know more about the living conditions in mining areas, including whether the emergence of informal settlements had been the result of the Government's failure to enforce corporate responsibility policies or the mining industry's negligence.

50. He would also appreciate further information regarding the main reasons behind the Government's slow implementation of the national land reform policy.

51. **Mr. Power** (ALT Advisory) said that the Government had adopted a number of Internet access targets, including that 90 per cent of schools and 100 per cent of hospitals would have access to Internet speeds of 5 Mbps and 10 Mbps, respectively, by 2020. There remained serious concerns, however, as to whether those targets would be met. While the Promotion of Access to Information Act had been enacted, it had not been fully implemented. The Government should therefore be called upon to confirm what steps it would take to ensure voluntary compliance with and disclosure of information pursuant to the Act.

52. **Ms. Carmody** (Amnesty International) said that, in research conducted on the settlements around the Marikana mine, her organization had found unacceptable living conditions, which suggested that the Government was failing to enforce corporate responsibility in the sector. The State party ought to ensure that mining companies fulfilled their obligations under the Mineral and Petroleum Resources Development Act, 2009 and related regulations, in order to ensure a decent standard of housing for mine workers; review the human and financial resources available to the Department of Mineral Resources so as to effectively monitor and enforce mining corporations' Social and Labour Plans; and require that mining companies regularly submitted and published progress reports on the fulfilment of their Social and Labour Plans.

53. **Ms. Joala** (Institute for Poverty, Land and Agrarian Studies) said that South Africa did not have a binding instrument or legislative framework to guarantee the right to food. Five departments were tasked with implementing food security programmes, which included direct food provision under the National School Nutrition Programme and by the Department of Social Development. Policy incoherence had arisen in the implementation of the National Policy on Food and Nutritional Security, and there was a lack of coordination between the Department of Agriculture, Forestry and Fisheries and the Department of Rural Development and Land Reform, despite the fact that they were implementing similar programmes to support land reform beneficiaries and improve agricultural productivity and the overall food security situation. The failure to communicate effectively had been detrimental to the beneficiaries of credit, farm infrastructure and agricultural services who, according to the report of the High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change, had complained of receiving inadequate support from Government institutions.

54. The report of the High Level Panel gave a number of reasons for the slow progress of land reform in South Africa. While it was clear that the budget both for the acquisition of land and for post-settlement support for land-reform projects had been decreasing for some time, corruption, weak institutions and a series of policy shifts had also contributed to the failures that had marked the process. The Government was currently implementing the Proactive Land Acquisition Strategy, whereby it bought land and leased it to beneficiaries for 30 years, during which time they were expected to pay rent. However, eligibility for the leasehold system was unclear, most leaseholders did not have documents certifying their status and those without resources risked losing their rights.

55. **Mr. Benjamin** (Equal Education Law Centre) said that the problem of schools refusing to enrol undocumented learners affected both migrant children and South African children who did not have an identity number or birth certificate. Schools were reluctant to register undocumented learners for fear that they might not receive the necessary funding; in one case, the Eastern Cape Department of Education had decided to stop funding students who did not have an identity number, with the result that schools in the province had been forced to turn children away. Moreover, the Department of Home Affairs had exerted pressure on schools to report learners without identity numbers to the immigration authorities, which had forced schools in Gauteng province to deregister some children who had been provisionally enrolled.

56. **Ms. McFarlane** (Equal Education) said that private actors were increasingly being given influence over the governance of State schools. The Western Cape Education Department had recently piloted a project in which it had granted private actors majority representation on school governing bodies in exchange for the provision of financial resources. Similarly, the Western Cape government had put forward draft legislation to introduce "donor-funded schools" that did not specify the criteria that donors must meet or preclude the involvement of for-profit partners.

57. **Mr. Benjamin** (Equal Education Law Centre) said that parents had approached his organization to complain about schools' unwillingness to accommodate special education students and about their enforcement of school-fee payment. There had also been complaints of disciplinary abuses in which children had been expelled or had their enrolment withdrawn through no fault of their own. Such abuses could be avoided through a clear legislative framework that prioritized the rights of learners over financial considerations.

58. **Ms. Mudarikwa** (Legal Resources Centre and Alternate Report Coalition — Child Rights South Africa), also speaking on behalf of a number of other organizations, said that implementing economic, social and cultural rights meant ensuring inclusion and diversity and meeting the specific needs of different classes of persons. Persons with diverse gender identities, gender expressions and sex characteristics remained marginalized, their gender identity was often unrecognized in legal documents and the health-care system was unresponsive to their needs; furthermore, intersex children were often subjected to unnecessary and harmful sex assignment surgeries and treatments. The Committee was urged to request the State party to take steps to ensure the effective implementation of the Alteration of Sex Description and Sex Status Act, 2003; to ensure that health-care policies and systems did not discriminate against transgender and gender-diverse persons; and to guarantee the bodily integrity, autonomy and self-determination of intersex children.

59. The Centre and its partners were also concerned that women were disadvantaged by entrenched unequal resource allocation and unequal status within families; that women's access to land, property and housing was precarious owing to the non-recognition of their relationships and marriages; and that the proposed Refugees Amendment Bill would revoke the rights of refugees and asylum seekers to work and study. The Government should be encouraged develop and implement land, property and housing policies that recognized women's vulnerability and fulfilled their needs and rights, and to ensure that asylum seekers and refugees retained the automatic right to work and study upon making their application.

60. The Alternate Report Coalition — Child Rights South Africa wished to highlight the fact that about 7 million children in South Africa lived below the food poverty line of 547 rand (R) per month, that the child support grant of about R 400 was inadequate and that value added tax had risen from 14 to 15 per cent, resulting in increases in the cost of food and transport. Therefore, the child support grant ought to be raised to R 550, so that no child lived below the food poverty line.

61. Considering that birth registration presented a particular challenge for abandoned or orphaned children, children of non-South African parents, children of unmarried parents and children of single fathers, and that children without birth certificates were routinely excluded from social grants, schooling and health care, the Coalition advocated the amendment of the Births and Deaths Registration Act, 1992 and its regulations to ensure that all children born in South Africa had access to birth registration.

62. **Ms. Martínez** (Human Rights Watch) said that her organization was concerned that almost 600,000 children with disabilities were reportedly out of school; that children with disabilities faced discrimination and multiple systemic barriers from early childhood, including in their access to and enrolment in day-care centres, nurseries and mainstream schools; that most children with disabilities were referred to special schools, in breach of the Government's inclusive education obligations; that they paid school fees that other students attending State schools did not pay; that schools did not receive funding for reasonable accommodations; and that compulsory education for children with disabilities was not monitored. Further concerns related to the lack of an adapted curriculum to support children with intellectual disabilities in special schools, the corporal punishment and abuse of learners with disabilities, and limitations on their progression into skills-based work, employment or further education. Accordingly, the Committee should call on the Government to amend the South African Schools Act to bring it fully into line with the country's international obligations; to adopt a legal framework on the right to inclusive education, including a legal duty to provide reasonable accommodations in all schools and the prohibition of financial and discriminatory conditions on children with disabilities; and to publish norms and standards for the funding of inclusive education.

63. **Ms. Mirugi-Mukundi** (Dullah Omar Institute), speaking on behalf of the civil society organizations that made up the Ratification Campaign of the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, said that some 17 million South Africans were reliant on social assistance and that problems had arisen with the external service provider contracted by the South African Social Security Agency to make grant payments, placing beneficiaries at risk of not accessing the full cash value of their grants and of experiencing unexplained deductions or excessive charges. In any case,

social grants were insufficient to meet the basic living needs of beneficiaries. Therefore, the Government should be requested to implement a State-led hybrid payment model, while the amount of social grants should be indexed to a decent standard of living.

64. South Africa had a progressive legal and policy framework governing the right to housing, which had allowed for the establishment of a comprehensive State-subsidized housing programme. However, poor planning, a lack of coordination and insufficient capacity had led to the emergence of systemic challenges: the failure to adequately regulate the private sector meant that the formal housing market was now beyond the reach of most South Africans; the total number of completed housing units had fallen dramatically in recent years; and a focus on large-scale housing provision had led to the construction of inferior housing located far from schools, hospitals and other amenities. Between 2.9 million and 3.6 million people continued to live in informal settlements. Therefore, the Government should be invited to enhance coordination between relevant departments and to shift its focus from large housing projects in poorly located areas to the in situ upgrading of informal settlements close to centres of economic activity.

65. **Mr. Fish-Hodgson** (International Commission of Jurists) said that the Committee should direct the Government's attention to its specific and detailed obligations in terms of the rights to work and to an adequate standard of living. Considering that unemployment and youth unemployment were extremely high, his organization advocated requesting the Government to accept that Covenant obligations on the right to work exceeded the constitutional obligations in respect of labour rights, and to take legal and policy measures to ensure that all workers enjoyed effective legal protection in terms of the right to work. The Government should determine and adopt a minimum standard of living that met the requirements of the right to an adequate standard of living and evaluate whether the national minimum wage was sufficient to meet that right.

The meeting rose at 1.05 p.m.